

IN THE SUPREME COURT OF THE STATE OF NEVADA

EAGLE INVESTORS,  
Appellant,  
vs.  
BANK OF AMERICA, N.A.,  
Respondent.

No. 65258

**FILED**

DEC 05 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malville  
DEPUTY CLERK

**ORDER DECLINING CERTIFIED QUESTION**

This matter involves a legal question certified to this court, under NRAP 5, by the United States District Court for the District of Nevada. Specifically, the U.S. District Court has certified the following question to this court:

Whether the prioritization of liens pursuant to Nev. Rev. Stat. § 116.3116 may have the effect of extinguishing the interest of a holder of a first security interest under a deed of trust secured by the unit when an association forecloses its delinquent assessments lien by sale pursuant to Nev. Rev. Stat. § 116.31162.

As we believe there is controlling Nevada precedent with respect to this question, we decline to answer this question. See NRAP 5(a). Specifically, in *SFR Investments Pool 1, LLC v. U.S. Bank, N.A.*, 130 Nev. \_\_\_, 334 P.3d 408 (2014), this court held that a common-interest community association's NRS 116.3116(2) superpriority lien has true

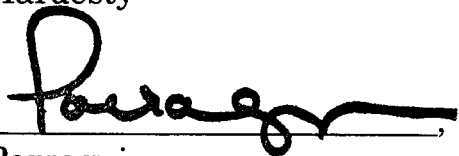
priority over a first security interest and that the association may nonjudicially foreclose on that lien.

It is so ORDERED.

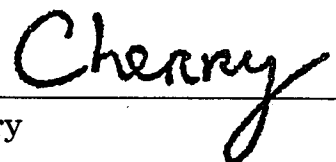
  
\_\_\_\_\_, C.J.  
Gibbons

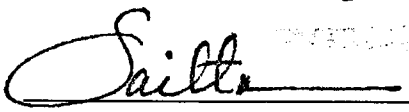
  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

cc: Maier Gutierrez Ayon, PLLC  
Akerman LLP/Las Vegas  
Clerk, United States District Court for the District of Nevada